

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 LINKSMART WIRELESS TECHNOLOGY,
11 LLC,

12 Plaintiff(s),

13 v.

14 CAESARS ENTERTAINMENT
CORPORATION,

15 Defendant(s).

Case No.: 2:18-cv-00862-MMD-NJK

ORDER

16 In cases involving claims for patent infringement, this Court applies Ninth Circuit law on
17 issues that are not unique to patent law and Federal Circuit law on issues that are unique to patent
18 law. *See, e.g., Pickholtz v. Rainbow Techs., Inc.*, 284 F.3d 1365, 1371 (Fed. Cir. 2002). In the
19 context of discovery-related motions, the governing law may vary even as to the issues presented
20 within those motions. *Compare, e.g., Truswal Sys. Corp. v. Hydro-Air-Eng'g, Inc.*, 813 F.2d 1207,
21 1209 (Fed. Cir. 1987) (“An order quashing a subpoena is not unique to patent law,” so Ninth
22 Circuit law governs) *with id.* at 1212 (“[A] determination of relevance implicates the substantive
23 law of patent validity and infringement,” so Federal Circuit law governs). It is in the interest of
24 efficiency and thoughtful resolution of disputes that the parties provide meaningful discussion as
25 to which law governs the various aspects of their filings.¹

26
27
28 ¹ As a corollary, the subsequent analysis should focus on case law issued by the appellate
court providing the controlling precedents.

Accordingly, the Court hereby **ORDERS** that every discovery-related motion and every response thereto must—prior to addressing the substantive arguments—provide a choice-of-law analysis for the issues in dispute. This analysis shall be provided in its own section under the heading of “Choice of Law Analysis.” Failure to include this analysis within a motion may result in its summary denial. Failure to include this analysis within a response may result in the granting of the motion as unopposed.

IT IS SO ORDERED.

Dated: October 2, 2018

Nancy J. Koppe
United States Magistrate Judge